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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

04/15/2010

Michael E Martin
Gardere Wynne Sewell
1601 Elm Street
Suite 3000
Dallas, TX 75201

EXAMINER

RUIZ, ANGELICA

ART UNIT

PAPER NUMBER

2158

DATE MAILED: 04/15/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,806	06/28/2006	Oliver Winzenried	125542-1005	3399

TITLE OF INVENTION: METHOD FOR CONTROLLING A DATA PROCESSING DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/15/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
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P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 04/15/2010

Michael E Martin
Gardere Wynne Sewell
1601 Elm Street
Suite 3000
Dallas, TX 75201

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

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EXAMINER	ART UNIT	CLASS-SUBCLASS
RUIZ, ANGELICA	2158	707-200000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	1 _____

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
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4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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7590	04/15/2010		EXAMINER	
<p>Michael E Martin Gardere Wynne Sewell 1601 Elm Street Suite 3000 Dallas, TX 75201</p>				RUIZ, ANGELICA
		ART UNIT	PAPER NUMBER	
		2158	DATE MAILED: 04/15/2010	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/584,806	WINZENRIED ET AL.	
	Examiner	Art Unit	
	ANGELICA RUIZ	2158	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 12/17/2009.
2. The allowed claim(s) is/are 9-11, 13-28, 31-36, and 38 (Renumbered 1-26).
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

/Angelica Ruiz/
Examiner, Art Unit 2158

/Mohammad Ali/
Supervisory Patent Examiner, Art Unit 2158

DETAILED ACTION

1. This office action is in response to applicant's response to non final office action filed on December 17, 2009 in which claims 9-37 are presented for further examination.

In response of Applicants amendments and remarks arguments with respect to the rejection of claims 9-27 under Spiers et al (US 2003/0028731) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Marc A. Hubbard on April 9, 2010.

The application has been amended as follows:

In the claim:

See Attached Exhibit A.

Reason for Allowance

5. The following is an examiner's statement of reasons for allowance: The present invention relates to a method for controlling a data processing device. The closest prior art Spiers et al (US 2003/0028731) is directed to a block data storage within a computer network. However, Spiers, fails to anticipate or render obvious the recited features "exchanging commands between an application running on a computer and a data processing device having a processor, which is connected to the computer via an interface and appears to the computer as a data storage device with a corresponding file system to which an operating system on the computer is capable of writing files, the method comprising: storing the command in a special file; requesting the operating system of the computer to write a special file containing the device-specific command to the corresponding file system using a write operation; after the special file is received by the data processing device, executing the device specific command contained in the special file using the execution handler running on the processor of the data processing device; wherein, if the device specific command is of a predetermined type that requires an answer to be generated at the time of the next access of the special file by the operating system of the computer, the device specific demand is executed at the time of the next access of the special file by the operating system of the computer, and an answer to the executed device specific command is written in the special file prior to it being returned to the computer". These features in conjunction with all other limitations of the dependents and independent claims render claims 9-11, 13-28, 31-36, and 38 (Renumbered 1-26) allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELICA RUIZ whose telephone number is (571)270-3158. The examiner can normally be reached on 8:00 a.m. to 4:30 p.m., ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad Ali/

Supervisory Patent Examiner, Art
Unit 2158

Exhibit (A):

Claims 1-8 (Canceled)

9. (Currently amended) A method for exchanging commands between an application running on a computer and a data processing device having a processor, which is connected to the computer via an interface and appears to the computer as a data storage device with a corresponding file system to which an operating system on the computer is capable of writing files, the method comprising:

generating, using an application program on the computer, a device-specific command for execution by an execution handler running on the processor of the data processing device;

storing the command in a special file;

requesting the operating system of the computer to write a special file containing the device-specific command to the corresponding file system using a write operation; and

after the special file is received by the data processing device, executing the device specific command contained in the special file using the execution handler running on the processor of the data processing device; wherein, if the device specific command is of a predetermined type that requires an answer to be generated at the time of the next access of the special file by the operating system of the computer, the

device specific demand is executed at the time of the next access of the special file by the operating system of the computer, and an answer to the executed device specific command is written in the special file prior to it being returned to the computer.

10. (Previously presented) The method according to Claim 9, wherein the device specific command is executed by the execution handler on the data processing device only when the special file is identified by the data processing device.

11. (Previously presented) The method according to Claim 9, further comprising generating with the processor of the connected data processing device an answer to the executed device specific command.

12. Cancelled.

13. (Previously presented) The method according to Claim 11, wherein the answer to the executed command is buffered in a volatile or non volatile memory of the connected data processing device.

14. (Currently amended) The method according to Claim 11, further comprising:

requesting with the application that operating system read the special file from the connected data processing device;

receiving the read command in the connected data processing device;

storing the answer generated in the connected data processing device in the special file, which is thereby modified; and

returning the special file from the connected data processing device to the computer-in.

15. (Previously presented) The method according to Claim 14, further comprising:

receiving the returned special file by the computer;

recognizing that the special file contains an answer; and

reading the answer from the special file and further processing the answer in the application program.

16. (Previously presented) The method according to Claim 11, wherein the answer generated by the processor of the connected data processing device is one of a device status or an error message.

17. (Previously presented) The method according to Claim 9, wherein the special file is identified by the data processing device when the specific file is written by the operating system to a previously selected block address.

18. (Previously presented) The method according to Claim 9, wherein the connected data processing device includes a mass storage device with a corresponding file system; and wherein the special file is written onto a mass storage medium of the

connected data processing device and is capable of being read from the mass storage medium of the connected data process device.

19. (Currently amended) A system for controlling a data processing device, comprising a computer with an operating system and a data processing device with a processor, which is connected to the computer via an interface and which appears to the computer as a data storage medium with a corresponding file system present at the interface, the system comprising an application program stored in the memory of the computer, the application program comprising instructions for executing on the computer for generating a device specific command, storing the command in a special file and requesting the operating system of the computer to write the special file containing the device-specific command to the corresponding file system that appears to the computer at the interface, the operating system thereby transmitting to the device the special file using a write operation of the operating system of the computer; wherein the connected data processing device is adapted to at least appear to the computer as a mass data storage medium having a file system to which the operating system is capable of writing files, receive the special file, read the device specific command from the special file after receiving the special file through the interface, and execute the device specific command, wherein, if the device specific command is of a predetermined type that requires an answer to be generated at the time of the next access of the special file by the operating system of the computer, the device specific demand is executed at the time of the next access of the special file by the operating

system of the computer and an answer to the executed device specific command is written into the special file prior to it being returned to the computer.

20. (Previously presented) A system according to Claim 19, characterized in that the processor of the device is adapted for executing the device specific command only when the special file contains identification.

21. (Previously presented) A system according to Claim 19, characterized in that an answer to the executed device specific command is generated by the processor of the connected data processing device.

22. (Previously presented) A system according to Claim 21, wherein the computer is adapted for sending to the data processing device a read command of the operating system concerning the special file in response to a request from the application, the device having stored ~~stores~~ the answer generated in the device in the special file, whereby the special file is modified; and

wherein the connected data processing device is adapted for returning the special file to the computer in the execution of the read command of the operating system of the computer.

23. (Previously presented) A system according to Claim 19, wherein the connected data processing device, to which the special file is transmitted using the write operation of the operating system, comprises no mass storage medium for use by the computer device for storing files.

24. (Previously presented) A system according to Claim 19, characterized in that the interface of the computer is comprised of a universal serial bus (USB) interface or a SCSI interface.

25. (Previously presented) A system according to Claim 19, characterized in that the processor for executing the read device specific command is arranged in an external device.

26. (Currently amended) A data processing device for executing a device specific command generated by an application program running on a computer, the device comprising an interface for connecting to a computer, and a processor, the device being specifically adapted for

causing the device to appear as a mass storage device having a corresponding file system to an interfacing computer[[;]][[.]]

receiving a special file containing a device specific command executable by the device and not to be executed by the computer from which the special file was received, the special file being created by the application running on the computer and received by the device through the interface using a write operation of the computer's operating system that instructs the data processing device to write the file to a previously specified storage location, the device specific command in the special file in response to receiving the special file using an execution handler running on the processor of the data processing device; and-

executing the device specific command contained in the special file, wherein, if the device specific command is of a predetermined type that requires an answer to be generated at the time of the next read operation of the special file by the operating system of the computer, the device specific demand is executed at the time of the next read operation of the special file by the operating system of the computer and an answer to the executed device specific command is written into the special file prior to it being returned to the computer.

27. (Previously presented) A data processing device according to Claim 26, wherein the device comprises no mass storage medium for storing files, the device merely appear to be a mass data storage device.

28. (Previously presented) A method according to claim 9, wherein the special file is written by the write operation of the operating system of the computer to a predetermined block address.

29. Cancelled

30. Cancelled.

31. (Previous presented) The method of claim 9, wherein the connected data processing device does not include a data storage medium, the data processing device being further adapted for simulating to the computer a mass data storage medium but not capable of storing files written to the data processing device.

32. (Previous presented) The method of claim 9, wherein the device specific command is unknown to the operating system with respect to the connected data processing device.

33. (Previous presented) The method of claim 19, wherein the data processing device further comprises a mass data storage medium with a corresponding file system.

34. (Previous presented) The method of claim 19, wherein the device specific command is unknown to the operating system with respect to the data processing device.

35. (Previous presented) The method of claim 26, wherein the device-specific command is unknown to an operating system running on the computer with respect to the data processing device.

35. (Previous presented) The data processing device of claim 26, wherein the device further comprises a data storage medium with a corresponding file system, the data processing device being further adapted for having the data storage medium appear at the interface as a mass data storage device for storing files written to the data processing device.

36. (Previous presented) The data processing device of claim 26, wherein the device does not include a data storage medium, the data processing device being further adapted for simulating to an interfacing computer a mass data storage device

without storing in a file system files written to the data processing device in the data storage medium.

37. Cancelled

38. (New) The method according to Claim 9, wherein the processor in the data processing device writes a flag in a random access memory of the connected data processing device or in the special file if an answer to the executed command is to be generated at the next access to the file by the operating system of the computer.

**/Angelica Ruiz/
Examiner, Art Unit 2158**
DALLAS 2037049v.4

**/Mohammad Ali/
Supervisory Patent Examiner, Art Unit 2158**